FILED
JUN 20 2008
CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY DEPUTY

AUSA

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, Plaintiff, v. Gilberto Antonio ALVARADO-Conde Defendant.	Magistrate Case No.: **08MJ8537** COMPLAINT FOR VIOLATION OF 21 U.S.C. § 952 and 960 Importation of a Controlled Substance (Felony) **"AMENDED"**

The undersigned complainant being duly sworn states:

That on or about June 15, 2008, within the Southern District of California, defendant Gilberto Antonio ALVARADO-Conde did knowingly and intentionally import approximately 26.02 kilograms (57.24 pounds) of marijuana, a Schedule I Controlled Substance, into the United States from a place outside thereof, in violation of Title 21, United States Code, Sections 952 and 960.

The complainant states that this complaint is based on the attached Statement of Facts incorporated herein by reference.

ROSALINDA ESTRADA
Special Agent
U. S. Immigration & Customs Enforcement

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 20TH DAY OF JUNE 2008.

PETER C. LEWIS
UNITED STATES MAGISTRATE JUDGE

UNITED STATES OF AMERICA

v.

Gilberto Antonio ALVARADO-CONDE

STATEMENT OF FACTS

The Statement of Facts is being amended to correct the number of packages found concealed within the vehicle. Twenty-eight (28) packages instead of eighteen (18) packages.

This Statement of Facts is based on the reports, documents, and notes furnished to U.S. Immigration and Customs Enforcement Special Agent Rosalinda Estrada.

On June 15, 2008, at approximately 1318 hours, Gilberto Antonio ALVARADO-CONDE attempted to enter the United States from the Republic of Mexico through the Calexico, California, West Port of Entry. ALVARADO was the driver and sole occupant of a 1993 Mercury Sable bearing Baja California/MX license plate BCU9383. ALVARADO was not the registered owner of the vehicle.

Primary Customs and Border Protection Officer (CBPO) D. Morris received a negative Customs declaration from ALVARADO. ALVARADO stated he was on his way to Walmart to do some shopping. ALVARADO stated he did not own the vehicle and the vehicle belonged to his brother-in-law. Upon inspecting the vehicle, CBPO Morris noticed that the spare tire in the trunk felt too heavy for its size. CBPO Morris escorted ALVARADO and the vehicle to the vehicle secondary lot for further inspection.

In the secondary inspection area, Canine Enforcement Officer (CEO) Smura utilized his Human/Narcotic Detection Dog (HNDD) to search the vehicle. The HNDD alerted to the spare tire and rear seat of the vehicle. CBPO Morris discovered a total of eighteen (18) packages concealed in the spare tire, back seat, and back seat rest of the vehicle. The packages contained a green leafy substance. CBPO Morris probed one of the packages and a sample of a green leafy substance was obtained, which field tested positive for marijuana. The 18 packages had a combined weight of approximately 26.02 kilograms (57.24 pounds).

ALVARADO was notified of his arrest and advised of his Miranda Rights, which he acknowledged and waived. ALVARADO admitted knowledge of the drugs in the vehicle and stated that he was to be paid $1500.00 dollars for smuggling the drugs.

On June 19, 2008, Customs & Border Protection Officer Morris advised Agent Estrada they discovered twenty-eight (28) packages instead of eighteen (18) packages within the spare tire, back seat, and back seat rest of the vehicle.